

27 Emerson Dr.

ZBA Case No.:

899A

**TOWN OF LITTLETON
BOARD OF APPEALS**

37 Shattuck Street
P.O. Box 1305
Littleton, MA 01460
Tel: 978-540-2420



APPLICATION FOR PUBLIC HEARING

Pursuant to MGL Chapter 40A, 40B and 41 and the Littleton Zoning Bylaws

TOWN USE ONLY

Received by the Town Clerk Office

RECEIVED
JUL 19 2018

The filing is not official until stamped by the Town Clerk

Filing Fee paid: \$ 300

Check # 847

Pursuant to the provisions of Chapter 40, §57 of the Massachusetts General Laws as adopted by Town Meeting 2003, this document must be signed by the Tax Collector verifying payment of taxes.

Linda Lord 7/19/18
Signature of Tax Collector

The undersigned hereby submits this petition for the following action (check all that apply):

- Appeal of Decision of Building Inspector or other administrative official (see page 2)
- Special Permit (40A) (see page 2)
- Variance (see page 3)
- Comprehensive Permit (40B) Complete additional application (see page 2)

PETITIONER: Signature

William A. Gibbons Date: 7-9-18

Print Name

WILLIAM A. GIBBONS

Address

27 EMERSON DR.

Town, State, Zip

LITTLETON MA 01460

Phone # (617) 872-8819

Email Address gibb9@b4.com

Deed Reference: Bk _____ Page _____

FEES

Residential Property \$200 filing fee + \$75 recording fee + \$25 abutter list = \$ 300 to Town of Littleton

Commercial Property \$350 filing fee + \$75 recording fee + \$25 abutter list = \$ 450.00 to Town of Littleton

Comprehensive Permit

\$1000 + \$100/unit over 10 units

ADDITIONAL FEES: ALL APPLICATIONS:

Legal Notice publication fee to be paid prior to opening the hearing

PROPERTY OWNER: include authorization of Owner for Petitioner to represent Owner, if unsigned

William A. Gibbons 7-9-18

Signature

Date

Phone # (617) 872-8819

Email gibb9@b4.com

Print Name (if different from petitioner)

Address (if different from petitioner)

ASSESSOR MAP & PARCEL NUMBER W17 33

ZONING DISTRICT: R VC B IA IB (Circle all that apply)

Check box if applicable

AQUIFER DISTRICT

WATER RESOURCE DISTRICT

27 Emerson Dr.

ZBA Case 899A

Variance

Under MGL c. 40A §. 10

The undersigned hereby petitions the Board of Appeals for the Town of Littleton to vary, in the manner and for the reasons hereinafter set forth, the applicable provisions of the Zoning By-law.

1. Specifically, from what Zoning bylaw section are you seeking relief? 173-106, 173-31
2. Why are you seeking relief from a literal enforcement of this Zoning Bylaw?
Attach a written statement that specifically describes existing conditions and your objectives, along with plans, specifications, certified plot plan and any documentation necessary to support your request.
3. Show evidence that you meet the minimum requirements of a variance under section 173-6 B (2) of the Littleton Zoning Bylaws.
Attach a written statement which specifically includes why, owing to conditions (soil, shape, or topography) especially affecting the premises, but not affecting generally the zoning district in which it is located, a literal enforcement of the Zoning By-law would result in a substantial hardship to you. Applicant must clearly demonstrate the lack of alternative remedies.
4. *I hereby certify that I have read the Board of Appeals Instructions for petitioners and that the statements within my petition and attachments are true and accurate to the best of my knowledge and belief.*

William C. Shible
Signature

William A. Gibbons
Print name

Filing Instructions

1. **IMPORTANT: SEE THE BUILDING COMMISSIONER/ZONING ENFORCEMENT OFFICER BEFORE YOU FILL OUT THIS APPLICATION.** He will assist you with the proper zoning sections and application request(s). His review may save time by preventing delays in the hearing process.
2. Apply for a certified abutters list with the Assessors office (request for certified list of abutters form enclosed)
3. Bring the completed application packet to the Administrative Assistant to the Building Commissioner who will assist you in filing with the Town Clerk. 3

Necessary Exhibits— provide 14 copies of the following with the completed application:

- ✓ 1. A copy of the most recently recorded plan of land or where no such plan exists, a copy of a plot plan endorsed by a registered engineer or land surveyor. The plan should show;
 - A) metes and bounds of the subject land
 - B) adjacent streets and other names and readily identifiable landmarks and fixed objects
 - C) dimensional layout of all buildings
 - D) distances and setbacks from the various boundaries
 - E) exact dimensions, setbacks and specifications of any new construction, alterations, additions or installations
 - F) direction of North
 - G) the name of each abutting property owner
- 2. Copy of the latest recorded deed
- ✓ 3. A written statement which details the basis for your petition
- 4. Pictures, plans, maps, drawings and models are always helpful in explaining the problem
- 5. In cases pertaining to signs, a scale print of the sign lettering and colors
- 6. In cases pertaining to subdivisions of land, prints should show the proposed subdivision endorsed by a registered engineer or land surveyor
- 7. In cases pertaining to Accessory dwellings evidence that the Board of Health has approved the septic system
- 8. The date of the building construction and the history of ownership are useful in finding facts about the case

Completed applications filed with the Town Clerk by the third Thursday of the month will be considered at the next regularly scheduled Zoning Board of Appeals meeting, held on the third Thursday of the following month. The Board in its discretion may dismiss an application or petition for failure to comply with any of the foregoing rules.

July 9, 2018

Zoning Board of Appeals
Town of Littleton
37 Shattuck St. Littleton, MA 01460

Dear Zoning Board of Appeals,

I'm writing to request the Zoning Board of Appeals (ZBA) review my request to reduce the required frontage setback for my home located at 27 Emerson Drive to less than the required 30' from Emerson Dr. for the construction of a covered front porch on my home.

I have been a resident of Littleton since 1978. I have owned my home since 1994, which was originally a cottage style home, similar to many of the homes in the long lake neighborhood. I built the current home in 1998, replacing an outdated inefficient house with a new modern home, in which I and my wife continue raising our children. My lot is just over 13k square feet.

My homes foundation is 46' from the Emerson Dr. curb. Owing to circumstances related to historically poor soil conditions, the small size of my lot (13,120 Sq. ft.), and the challenging topography, creates limited options. I am requesting the ZBA approve a reduced frontage setback for my home to 16' for the construction of front covered porch. This request is a reasonable accommodation that will provide an improved condition for my home and beautification to the neighborhood. The covered porch will not only make the home more aesthetically pleasing, but will make exiting and entering my home safer by keeping the landing immediately outside of the door free from snow and ice in the winter. As you can see from the pictures provided, due to the topography of the lot, there are quite a few stairs leading from the door to the ground and having an uncovered landing is and will become a greater hardship as my wife and I age.

Considering the limitations outlined above and the similar nature of such requests which have been previously approved throughout the Long Lake area, due to the limited size lots, I respectfully request the ZBA approve my request for variance. Thank you for your time and consideration to this request.

Sincerely,



William A. Gibbons

This plan is not to be used for the establishment of property lines, erection of fences, landscaping or construction of additional structures.

Certified Inspection Plan

27 EMERSON DR. LITTLETON, MA
STREET TOWN

David E. Ross Associates, Inc.

111 FITCHBURG ROAD - P.O. BOX 368 - AYER, MASS. 01432
(978) 772-6232 368-1065 448-3916 FAX 772-6258



SURVEYOR

DATE: 10/15/98



I certify that the existing foundation is located on the lot shown on this plan and that its location conforms with the front, side and rear yard setback requirements in effect at this time. (See note)

I further certify that the foundation is not located within a Federal Flood Zone per Flood Insurance Rate Map (FIRM) for the Town of Littleton, Community Panel No. 250200 0004 B dated June 15, 1983.

Zoning District: Residential Side & rear setbacks: 15' required
Street setback: 30'

Note: Per zoning code section 173-31-(8) street setback can be reduced to 16.56'
$$(30' - \frac{40,000 - 13,120}{2,000} = 16.56')$$

I, WILLIAM A. GIBBONS,

of Littleton, Middlesex County, Massachusetts,

25.00 being ~~now~~ married, for consideration paid, ~~and in full consideration of \$1.00~~228 grant to myself, the said WILLIAM A. GIBBONS and my wife MABEL GIBBONS, as Tenants *
by the Entirety, both of 27 Emerson Drive, Littleton, Middlesex County,
Massachusetts with quitclaim covenants228 ~~and in full consideration of \$1.00~~

[Description and encumbrances, if any]

A certain parcel of land together with the buildings thereon, situated in Littleton, Middlesex County, Massachusetts said parcel consisting of Lot 798, Lot 823, Lot 824, Lot 825 and Lot 826, all as shown on a plan entitled "Map of Long Lake, Town of Littleton", which plan is recorded with Middlesex South District Registry of Deeds in Plan Book 362, Plan 26, to which plan reference is hereby made for a more detailed description.

Also a second parcel of land situated in Littleton, Middlesex County, Massachusetts, described as follows:

Lots Nos. 796 and 797 as designated and shown on a plan entitled "Map 'A' of Long Lake, Town of Littleton, Middlesex County, Massachusetts", duly recorded with the Middlesex South District Deeds on the 14th day of October, 1925 in Book of Plan No. 362, Plan 26 to which plan reference is made for a more detailed description.

The premises are hereby conveyed subject to and with the benefit of the rights and privileges to maintain poles and wires for electric lights and telephones and water mains in the street and ways, as shown on said plan, to be used in common by the owners of lots on said plan, and their heirs and assigns.

Being the same premises conveyed to me by deed of Claire M. Gibbons and Joan M. Howard by deed dated November 18, 1993 and recorded with the Middlesex South District Registry of Deeds, Book 23930, Page 47. ✓

Property Address: 27 Emerson Drive, Littleton, MA

Witness my hand and seal this 24th day of September, 1997William A. Gibbons
William A. Gibbons

The Commonwealth of Massachusetts

Middlesex ss.

September 24 19 97

Then personally appeared the above named William A. Gibbons

and acknowledged the foregoing instrument to be his free act and deed before me

Debra A. McLowellNotary Public — ~~Massachusetts~~My commission expires 4/19/02

(* Individual — Joint Tenants — Tenants in Common.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 of 1969

Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No register of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

Photos of 27 Emerson Dr.



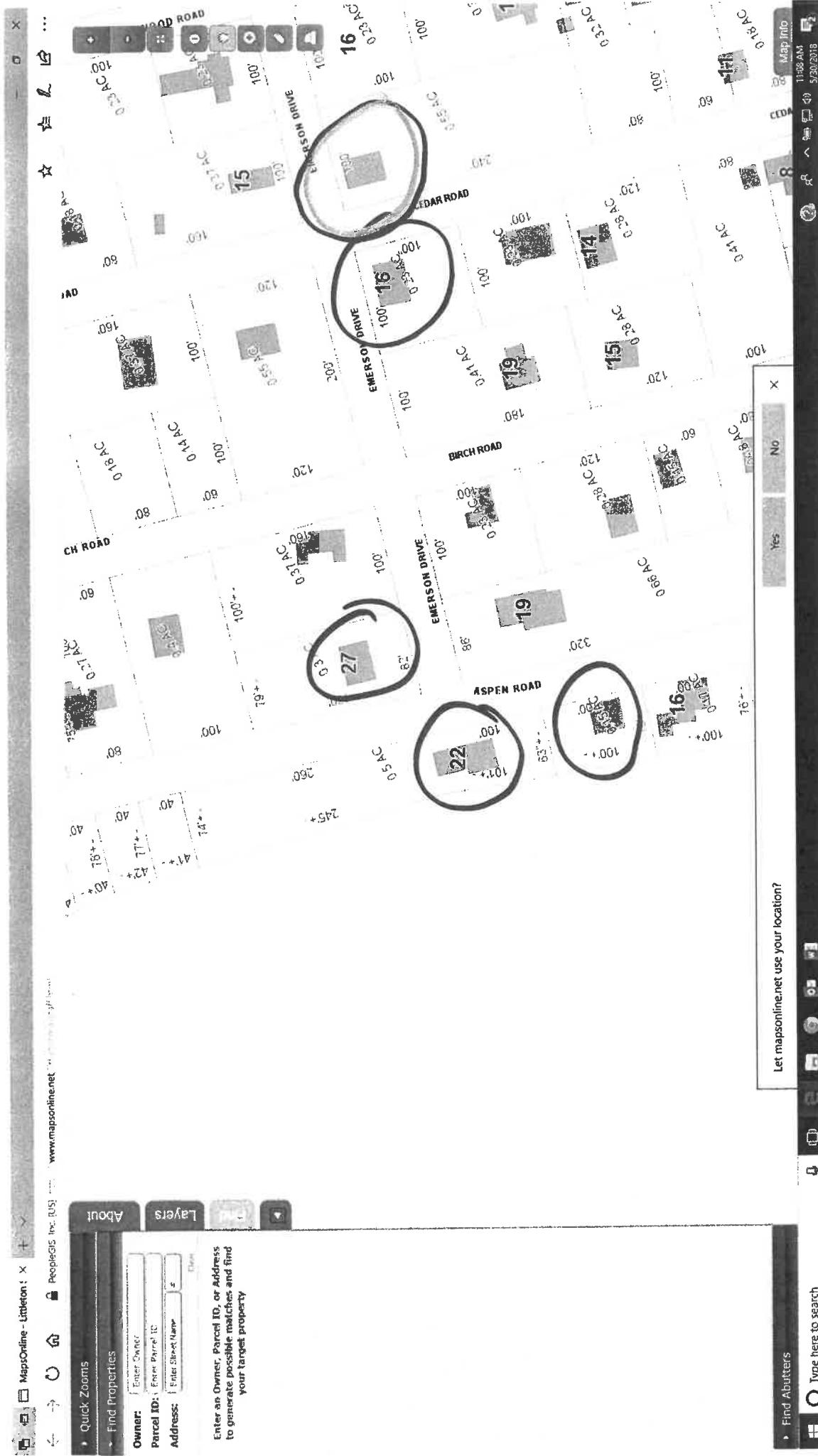
**Photos of Homes in the Long Lake Area
with reduced frontage set back**

27 Birch Dr.



22 Aspen Rd (next to my home)







**TOWN OF LITTLETON
BOARD OF ASSESSORS
P.O. BOX 1305
LITTLETON, MA 01460
(978) 540-2410 FAX: (978) 952-2321**

Date: July 26, 2018

Re: **Certified List of Abutters for Board of Appeals (300 feet - public hearings, special permits
And/or for Variances)**

Applicant William Gibbons Name of Firm: n/a
Mailing Address 27 Emerson Dr, Littleton, MA 01460

**Subject Parcel Location: 27 Emerson Dr
Subject Owner: William A Gibbons & Mabel Gibbons
Subject Map & Parcel No: U17 33 0**

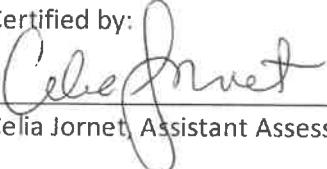
M.G.L. Chapter 40A, Section 11. "In all cases where notice of a public hearing is required notice shall be given by publication in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of such hearing. In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid. **"Parties in interest" as used in this chapter shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town.** The assessors maintaining any applicable tax list shall certify to the permit granting authority or special permit granting authority the **names and addresses of parties in interest and such certification shall be conclusive for all purposes.** The permit granting authority or special permit granting authority may accept a waiver of notice from or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply."

I hereby certify the attached list of abutter(s) as stated in the M.G.L. Chapter 40A, Section 11.

****APPLICANT AND SUBJECT OWNER ARE THE SAME PERSON****

Number of Abutter(s) 32, including the subject parcel(s) + 1 Applicant Requesting Abutter's List.

Certified by:



Celia Jornet, Assistant Assessor

PARCEL ID	LOCATION	OWNER	CO-OWNER	MAILING ADDRESS	CITY	STATE	ZIP
U17-33-0	27 EMERSON DR	GIBBONS WILLIAM A	GIBBONS MABEL	27 EMERSON DR	LITTLETON	MA	01460
U17-15-0	ASPEN RD	LITTLETON TOWN OF		P O BOX 1305	LITTLETON	MA	01460
U17-16-0	ASPEN RD	LITTLETON TOWN OF		P O BOX 1305	LITTLETON	MA	01460
U17-17-0	ASPEN RD	LITTLETON TOWN OF		P O BOX 1305	LITTLETON	MA	01460
U17-18-0	44 ASPEN RD	LITTLETON TOWN OF		P O BOX 1305	LITTLETON	MA	01460
U17-19-0	ASPEN RD	LITTLETON TOWN OF		P.O. BOX 1305	LITTLETON	MA	01460
U17-27-0	49 ASPEN RD	LITTLETON TOWN OF		P.O. BOX 1305	LITTLETON	MA	01460
U17-28-0	28 BIRCH RD	BATES-HAUS NIKOLAUS R	BATES-HAUS ELIZABETH F	28 BIRCH RD	LITTLETON	MA	01460
U17-28-A	ASPEN RD	BATES-HAUS NIKOLAUS R	BATES-HAUS ELIZABETH F	28 BIRCH RD	LITTLETON	MA	01460
U17-29-0	ASPEN RD	LITTLETON TOWN OF		P.O. BOX 1305	LITTLETON	MA	01460
U17-30-0	26 BIRCH RD	KEENAN H. DOUGLAS		26 BIRCH STREET	LITTLETON	MA	01460
U17-34-0	24 BIRCH RD	HARTWELL PETER H		P.O. BOX 1491	LITTLETON	MA	01460-4491
U17-37-0	BIRCH RD	LITTLETON TOWN OF		P.O. BOX 1305	LITTLETON	MA	01460
U17-39-0	34 BIRCH RD	MARSHALL JOHN R	MARSHALL SARAH E S	34 BIRCH ROAD	LITTLETON	MA	01460
U17-52-0	16 BIRCH RD	BAKEY JAMES F JR	BAKEY CAROL P	16 BIRCH RD	LITTLETON	MA	01460
U17-53-0	18 BIRCH RD	RUSSELL KIRBY G	RUSSELL RACHEL H	18 BIRCH RD	LITTLETON	MA	01460
U17-55-0	22 BIRCH RD	BENNETT THOMAS M		22 BIRCH ROAD	LITTLETON	MA	01460
U17-56-0	19 ASPEN RD	HAMILTON JONATHAN B	HAMILTON JENNIFER	19 ASPEN RD	LITTLETON	MA	01460
U17-57-0	19 BIRCH RD	TAYLOR JUDITH W		19 BIRCH ROAD	LITTLETON	MA	01460
U17-59-0	15 BIRCH RD	PAQUIN RAMON M		15 BIRCH ROAD	LITTLETON	MA	01460
U17-6-0	16 ASPEN RD	KANE THOMAS M III		16 ASPEN RD	LITTLETON	MA	01460
U17-7-0	18 ASPEN RD	KINSELLA ANNE M		18 ASPEN ROAD	LITTLETON	MA	01460
U17-73-0	16 CEDAR RD	BOTTOMLEY SUSAN M		16 CEDAR RD	LITTLETON	MA	01460
U17-75-0	16 EMERSON DR	SOLOMON SCOTT B		16 EMERSON DRIVE	LITTLETON	MA	01460
U17-76-0	18 CEDAR RD	ELICKS RICHARD L	ELICKS JACQUELINE J	1701 WEST COMMERCE AVE. #267	HAINES CITY	FL	33844
U17-77-0	20 CEDAR RD	COLLINS EDWARD T		20 CEDAR RD	LITTLETON	MA	01460
U17-8-0	22 ASPEN RD	TSINMAN KONSTANTIN	TSINMAN OKSANA	22 ASPEN RD	LITTLETON	MA	01460
U17-80-0	26 CEDAR RD	YUAN BO		22 CENTRAL ST	ACTON	MA	01720-3523

U17-87-0	E/S BIRCH RD	LITTLETON TOWN OF	LIGHT + WATER DEPARTMENT	PO BOX 1305	LITTLETON	MA	01460
U17-89-0	27 BIRCH RD	HALE ERIN	HALE JASON	27 BIRCH RD	LITTLETON	MA	01460
U17-90-0	BIRCH RD	ELLICKS RICHARD L	ELLICKS JACQUELINE J	1701 W COMMERCE AV LOT 267	HAINES CITY	FL	33844
U20-12-0	32 FOSTER ST	NEW ENGLAND FORESTRY FNDTN INC		PO BOX 1346	LITTLETON	MA	01460